

# ACT NO. 2012- 393

1 HB376

2 138687-4

3 By Representatives Galliher, Ball, Treadaway and McCutcheon

4 RFD: Judiciary

5 First Read: 21-FEB-12



1  
2 ENROLLED, An Act,

3 To amend Section 13A-12-211, Code of Alabama 1975,  
4 to create the crime of possession of a controlled substance  
5 with intent to distribute; to provide penalties; and in  
6 connection therewith would have as its purpose or effect the  
7 requirement of a new or increased expenditure of local funds  
8 within the meaning of Amendment 621 of the Constitution of  
9 Alabama of 1901, now appearing as Section 111.05 of the  
10 Official Recompilation of the Constitution of Alabama of 1901,  
11 as amended.

12 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

13 Section 1. Section 13A-12-211, Code of Alabama 1975,  
14 is amended to read as follows:

15 "§13A-12-211.

16 "(a) A person commits the crime of unlawful  
17 distribution of controlled substances if, except as otherwise  
18 authorized, he or she sells, furnishes, gives away, delivers,  
19 or distributes a controlled substance enumerated in Schedules  
20 I through V.

21 "(b) Unlawful distribution of controlled substances  
22 is a Class B felony.

23 "(c) A person commits the crime of unlawful  
24 possession with intent to distribute a controlled substance  
25 if, except as otherwise authorized by law, he or she knowingly

1 possesses any of the following quantities of a controlled  
2 substance:

3 "(1) More than eight grams, but less than 28 grams,  
4 of cocaine or of any mixture containing cocaine.

5 "(2) More than two grams, but less than four grams,  
6 of any morphine, opium, or any salt, isomer, or salt of an  
7 isomer thereof, including heroin.

8 "(3) More than eight grams, but less than 28 grams,  
9 of 3,4-methylenedioxy amphetamine, or of any mixture  
10 containing 3,4-methylenedioxy amphetamine.

11 "(4) More than eight grams, but less than 28 grams,  
12 of 5-methoxy-3, 4-methylenedioxy amphetamine, or of any  
13 mixture containing 5-methoxy-3, 4-methylenedioxy amphetamine.

14 "(5) More than eight grams, but less than 28 grams,  
15 of amphetamine or any mixture containing amphetamine, its  
16 salt, optical isomer, or salt of its optical isomer thereof.

17 "(6) More than eight grams, but less than 28 grams,  
18 of methamphetamine or any mixture containing methamphetamine,  
19 its salts, optical isomers, or salt of its optical isomers  
20 thereof.

21 "(d) Unlawful possession with intent to distribute a  
22 controlled substance is a Class B felony."

23 Section 2. Although this bill would have as its  
24 purpose or effect the requirement of a new or increased  
25 expenditure of local funds, the bill is excluded from further

1 requirements and application under Amendment 621, now  
2 appearing as Section 111.05 of the Official ReCompilation of  
3 the Constitution of Alabama of 1901, as amended, because the  
4 bill defines a new crime or amends the definition of an  
5 existing crime.

6 Section 3. This act shall become effective on the  
7 first day of the third month following its passage and  
8 approval by the Governor, or its otherwise becoming law.

1  
2  
3  
4 Speaker of the House of Representatives

5 *Kay Ivey*  
6 President and Presiding Officer of the Senate

7 House of Representatives

8 I hereby certify that the within Act originated in  
9 and was passed by the House 05-APR-12, as amended.  
10

11 Greg Pappas  
12 Clerk  
13

14  
15  
16 Senate

08-MAY-12

Passed  
17

APPROVED *May 14, 2012*  
TIME *6:02 p.m.*  
*Robert Bentley*  
GOVERNOR

Alabama Secretary Of State

Act Num....: 2012-393  
Bill Num....: H-376

allier  
SPONSORS  
adaway  
Cutcherson

I HEREBY CERTIFY THAT THE  
RESOLUTION AS REQUIRED IN  
SECTION C OF ACT NO. 81-889  
WAS ADOPTED AND IS ATTACHED  
TO THE BILL, H.B. 376

YEAS 76 NAYS 10

GREG PAPPAS, Clerk

I HEREBY CERTIFY THAT THE  
NOTICE & PROOF IS ATTACHED  
TO THE BILL, H.B. \_\_\_\_\_  
AS REQUIRED IN THE GENERAL  
ACTS OF ALABAMA, 1975 ACT NO.  
919.

GREG PAPPAS, Clerk

CONFERENCE COMMITTEE

House Conferees \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

DATE:

2012

4-05

RD 1 RFD

J. J. J.

This Bill was referred to the Standing  
Committee of the Senate on

JUDY

and was acted upon by such Committee in  
session and is by order of the Committee  
returned therefrom with a favorable report  
w/amend(s) \_\_\_\_\_ w/sub \_\_\_\_\_ by a vote of

yeas 7 nays 0 abstain 0

this 18 day of April 2012

Samuel, Chairperson

DATE:

2012

4-19

RF

FAV

RD 2 CAL

DATE:

20\_\_

RE-REFERRED

RE-COMMITTED ☐

Committee \_\_\_\_\_

I hereby certify that the Resolution as  
required in Section C of Act No. 81-889  
was adopted and is attached to the Bill,  
HB 376

YEAS 88 NAYS 8

PATRICK HARRIS,  
Secretary

FURTHER SENATE ACTION (OVER)

SENATE ACTION  
(Continued)

DATE: 5-3-78 RD 3 at 1  
PASSED ☒ PASSED AS AMENDED

YEAS 23 NAYS 2

And was ordered returned forthwith to the H  
PATRICK HA  
Sec

DATE:

INDEFINITELY POSTPONED YEAS NAY

DATE:

RECONSIDERED YEAS NAY

CONFERENCE COMMITTEE

Senate Conferees

This bill having been referred to the Commi  
Rules pursuant to Senate Rule 23 is reported  
Senate for assignment to the Committee on:

This \_\_\_\_\_ day of \_\_\_\_\_, 20

\_\_\_\_\_, Chair

Date:

Rereferred

Committee: